

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW MEXICO**

MARCOS MATA,

Plaintiff / Intervenor Defendant,

v.

Civ. No. 21-217 JCH/GJF

CODY JOSEPH CADE, and  
ULTERRA DRILLING TECHNOLOGIES

Defendants.

DAVIS W. SMITH, P.C.,

Intervenor Plaintiff,

v.

MASON W. HERRING, *individually and  
d/b/a* Herring Law Firm, and MASON  
W. HERRING, P.C., *d/b/a* Herring Law Firm,

Intervenor Defendants.

**INITIAL SCHEDULING ORDER**

The above-captioned cause has been assigned to this Court for scheduling, case management, discovery and other non-dispositive motions. The Federal Rules of Civil Procedure, as amended, as well as the Local Rules of the Court will apply to this lawsuit.

The parties will “meet and confer” no later than **January 13, 2022**, to formulate a provisional discovery plan. FED. R. CIV. P. 26(f). The time allowed for discovery is generally 120 to 180 days. The parties will cooperate in preparing a “Joint Status Report and Provisional Discovery Plan” (“JSR”) which follows the sample JSR available at the Court’s website.<sup>1</sup> The

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<sup>1</sup> Please visit the Court’s web site at [www.nmcourt.fed.us](http://www.nmcourt.fed.us) to download the standardized “Joint Status Report and Provisional Discovery Plan” form.

blanks for suggested/proposed dates are to be filled in by the parties. Actual dates will be promulgated by order of the court shortly after entry of the JSR. Because Defendants Ulterra Drilling Technologies, L.P., and Cade removed this case, those defendants shall file the JSR no later than **January 20, 2022**.

Good cause must be shown and the Court's express and written approval obtained for any modification of the dates in the scheduling order that issue from the JSR.

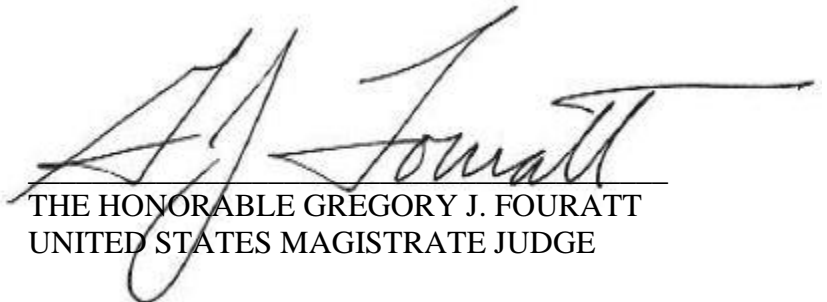
Initial disclosures under Federal Rule of Civil Procedure 26(a)(1) shall be made within fourteen (14) days of the meet-and-confer session.

A Rule 16 scheduling conference will be conducted by telephone on **January 27, 2022, at 3:00 p.m. MST**. The parties shall call the Court's conference line at (888) 363-4735 and use access code 9873158 to connect to the proceedings.

At the Rule 16 scheduling conference, the parties should be prepared to discuss discovery needs and scheduling, all claims and defenses, initial disclosures, and the timing of expert disclosures and reports under Federal Rule of Civil Procedure 26(a)(2). We will also discuss settlement prospects and alternative dispute resolution possibilities and consideration of consent pursuant to 28 U.S.C. § 636(c). If service on all parties is not complete, plaintiff(s) appearing through counsel or pro se, is (are) responsible for notifying all parties of the content of this Order.

Pre-trial practice in this case shall be in accordance with the foregoing.

**SO ORDERED.**



THE HONORABLE GREGORY J. FOURATT  
UNITED STATES MAGISTRATE JUDGE